

REMARKS

Claims 1-26 are pending. Independent claims 1 and 12 have been amended.

In paragraph 2 of the Office Action, claims 1-26 were rejected under 35 USC 102(b) as being unpatentable over U.S. Patent No. 5,101,353 (Lupien).

Claim 1 of the present application relates to a method of facilitating trading among a set of processes having respective owners. A computer retrieves a decision table having at least two rules specifying at least one of a discovery strategy and an order handling strategy, each rule having at least one condition and at least one action to be taken when the condition is satisfied, the at least one action selected by the owner of the process from the group comprising (i) generating an order, (ii) obtaining more information, and (iii) evaluating another rule in the decision table, and automatically evaluates whether the at least one condition for each of the rules is satisfied. For each of the rules having a satisfied condition, the at least one process is automatically configured to act on the at least one action.

Support for claim 1 may be found in the specification at page 49, lines 10-12.

Lupien relates to a securities portfolio management system. Lupien's system continuously updates its files with market data (column 9, lines 48-54), then updates the "variability" and adjusts for the "normal" price of each security (column 9, lines 55-61), performs customized analysis for each security (column 10, lines 9-23), and finally based on the resulting analysis, generates buy and sell orders as Lupien's system deems appropriate (column 10, lines 24-30).

Lupien's action-to-be-taken is always generating an order; this is defined by the system operator/owner.

In contrast, claim 1 calls for the action-to-be-taken to be selected ***by the respective owner of the process*** from among several actions: generating an order, obtaining more information, and evaluating another rule in the decision table.

Lupien teaches away from giving the process owner the ability to select the action to be taken. The whole point of Lupien's system is to make portions of the portfolio available for trading without human intervention (column 3, lines 62-68), thus, Lupien's system always acts to trade.

Since Lupien fails to show or suggest that the action-to-be-taken is selected ***by the respective owner of the process*** from among several actions: generating an order, obtaining more

information, and evaluating another rule in the decision table, as specifically recited in claim 1, claim 1 is not anticipated by Lupien.

Claims 2-11, in depending from claim 1, incorporate all of its features and each of these claims is similarly patentably distinguishable from Lupien.

Claim 12 relates to a method of facilitating trading. A computer automatically retrieves, at an order handling process operated on behalf of a process owner that is one of a plurality of process owners, a decision table representing an order processing methodology, the decision table having at least two rules specifying at least one of a discovery strategy and an order handling strategy, each rule having at least one condition and at least one action to be taken when the condition is satisfied, the at least one action selected by the process owner from the group comprising (i) generating an order, (ii) obtaining more information, and (iii) evaluating another rule in the decision table, and automatically applies, at the order handling process, the decision table to process an order when a specified event occurs.

Lupien fails to show or suggest that the action-to-be-taken is selected *by the respective owner of the process* from among several actions: generating an order, obtaining more information, and evaluating another rule in the decision table, as specifically recited in claim 12, so claim 12 is not anticipated by Lupien.

Claims 13-26, in depending from claim 12, incorporate all of its features and each of these claims is similarly patentably distinguishable from Lupien.

Withdrawal of the rejection of claims 1-26 under 35 USC 102(b) is requested.

The Examiner is encouraged to call the undersigned to discuss any issues with this application. A Notice of Allowance is solicited.

Respectfully submitted,

Date: July 28, 2005

Brenda Pomerance

Brenda Pomerance
Reg. No. 36,894

Law Office of Brenda Pomerance
260 West 52 Street Ste. 27B
New York, NY 10019
voice 212 245-3940